

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 FEB 28 AM 11:20

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rodrigo GUEVARA-Osuna,

Defendant

Magistrate Docket No.

08 MJ 0593

BY:

DEPUTY

COMPLAINT FOR VIOLATION OF:Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 27, 2008** within the Southern District of California, defendant, **Rodrigo GUEVARA-Osuna**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **FEBRUARY 2008**.



 Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Rodrigo GUEVARA-Osuna

PROBABLE CAUSE STATEMENT

On February 27, 2008, Border Patrol Agent J. Flores was performing line watch operations near the town of Jacumba, California. This area is adjacent to the United States/Mexico International boundary and 25 miles east of the Tecate, California Port of Entry. Agent Flores was driving west on Interstate 8 when he noticed an individual walking north of Interstate 8 at Call Box 8-771. Agent Flores approached the individual and identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship. The individual, later identified as the defendant **Rodrigo GUEVARA-Osuna**, admitted to being a citizen and national of Mexico present in the United States without any proper immigration documents that would allow him to enter or remain legally in the United States. At approximately 11:00 a.m., Agent Flores placed the defendant under arrest and transported him to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 6, 2006** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.